

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GUSTAVO D. VELEZ-HERNANDEZ,  
Petitioner,

V.

MARK WAHL, THE DISTRICT  
ATTORNEY OF THE COUNTY OF  
LEHIGH, and THE ATTORNEY  
GENERAL OF THE STATE OF  
PENNSYLVANIA,  
Respondents

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CIVIL ACTION

NO. 23-CV-3045-MRP

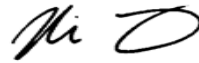
**ORDER**

**AND NOW** this 17th day of October, 2024, upon careful and independent consideration of Petitioner Gustavo D. Velez-Hernandez's Petition for Writ of Habeas Corpus (Doc. No. 1), Amended Petition (Doc. No. 8) the Commonwealth's Response (Doc. No. 13), and the Report and Recommendation of U.S. Magistrate Judge Richard A. Lloret, it is **ORDERED** that:

1. The Report and Recommendation of Magistrate Judge Richard A. Lloret is **APPROVED** and **ADOPTED**;
2. Mr. Velez-Hernandez's Petition for Writ of Habeas Corpus is **DISMISSED** with prejudice by separate Judgment, filed contemporaneously with this Order. *See* Federal Rule of Civil Procedure 58(a); Rules Governing Section 2254 Cases in the United States District Courts, Rule 12;
3. No certificate of appealability shall issue under 28 U.S.C. § 2253(c)(1)(A) because "the applicant has [not] made a substantial showing of the denial of a constitutional right[.]" under 28 U.S.C. § 2253(c)(2), since he has not demonstrated that "reasonable jurists" would find my "assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473,

- 484 (2000); *see U.S. v. Cepero*, 224 F.3d 256, 262-63 (3d Cir. 2000),  
*abrogated on other grounds by Gonzalez v. Thaler*, 565 U.S. 134 (2012); and
4. The Clerk of Court shall mark this file closed.

**SO ORDERED:**



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**HON. MIA R. PEREZ**  
**United States District Judge**